

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN JAY PINCUS HUETER, aka
TAO,

Plaintiff,

v.

DEBRA ANNE HALLAND, *et al.*,

Defendants.

CASE NO. C21-1271-JCC

ORDER

This matter comes before the Court on the referral notice from the United States Court of Appeals for the Ninth Circuit (Dkt. No. 17). The Ninth Circuit referred this matter for the limited purpose of determining whether *in forma pauperis* status should continue for Plaintiff's appeal or whether the appeal is frivolous or taken in bad faith. (*Id.*)

"An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). "[A]n appeal is not taken in good faith . . . if there is some evident improper motive or if no issue is presented which is not plainly frivolous." *Tweedy v. United States*, 276 F.2d 649, 651 (9th Cir. 1960); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) ("If at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis on appeal must be granted.").

Plaintiff filed a *pro se* complaint against Debra Haaland in her official capacity as the

1 Secretary of the U.S. Department of Interior, as well as Ingrid Pederson, Gerald Young, and the
2 S/V Falcon. (Dkt. No. 6.) Plaintiff alleged that Ms. Pederson and Mr. Young illegally took the
3 Falcon from a storage facility in Washington State and sailed it to American Samoa, where they
4 now live on the vessel. (*Id.* at 11–31.) The Court dismissed the claims against Ms. Haaland with
5 prejudice based on qualified immunity and the remaining defendants without prejudice based on
6 a lack of subject matter jurisdiction. (Dkt. No. 11.) The Court denied Plaintiff’s motion for
7 reconsideration for the same reasons. (Dkt. No. 14). To note, this was the *second* time the Court
8 dismissed a complaint by Plaintiff containing similar allegations. *See Hueter v. Pederson*, 2021
9 WL 4209430, slip op. (W.D. Wash. 2021).

10 Plaintiff now appeals the dismissal of his case. (Dkt. No. 15.) His notice of appeal does
11 not address the deficiencies in his complaint. (*See id.*) Therefore, the Court CERTIFIES that
12 Plaintiff’s appeal is not taken in good faith and REVOKES his *in forma pauperis* status. The
13 Court respectfully DIRECTS the Clerk to send this order to the Court of Appeals. The Court
14 further DIRECTS the Clerk to send a copy of this order to Plaintiff.

15 DATED this 25th day of October 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE